

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6189

BILL NUMBER: HB 1358

NOTE PREPARED: Apr 24, 2003

BILL AMENDED: Apr 23, 2003

SUBJECT: Community Policing Volunteers.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR: Sen. Clark

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(A) It defines "community policing volunteer" as a person who is actively participating in a plan, system, or strategy: (1) established by and conducted under the authority of a law enforcement agency; and (2) in which citizens work with members of the law enforcement agency to reduce or prevent crime within a defined geographic area.

(B) It increases the penalties for battery and intimidation because the victim is a community policing volunteer or because the person was performing duties of a community policing volunteer.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Provision A:* Community policing volunteers are part of community policing initiatives developed in the early 1990's to improve the relationships between police departments and community residents. Currently, there are active programs in Gary, South Bend, Fort Wayne, Indianapolis, and Elkhart. (Note: The number of communities with community policing volunteer programs will be updated when additional information is available.)

Provision B: (See *Explanation of Local Expenditures.*) If a Class A misdemeanor is enhanced to be a Class D felony, **state expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail.** A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per

offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Provision B:* More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The following chart shows the maximum fines by each offense.

Offense	Maximum Criminal Fine
Class B misdemeanor	\$1,000
Class A misdemeanor	\$5,000
Class D felony	\$10,000

Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: *Provision B:* For cases involving simple battery, increasing a misdemeanor from a Class B to a Class A **could increase the amount of time that an offender spends in jail**. The maximum sentence for a Class B misdemeanor is 180 days in jail, while the maximum sentence for a Class A misdemeanor is 360 days.

For cases involving battery causing bodily injury, **the costs of incarceration could be shifted from the county to the state** if a person is sentenced for a Class D felony rather for a Class A misdemeaneor. The maximum term of imprisonment for a Class A misdemeanor is one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction, Office of the Attorney General, Office of the State Public Defender, State Police.

Local Agencies Affected: Trial Courts, County Sheriff.

Information Sources:

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